

REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

The Applicant notes that the European Application, which corresponds to this U.S. Application, has been granted as EP 1 675 734 B1 and is attached. The claims of the application substantially mirror those of the related granted European Application.

The above newly amended introductory sentence to the claims of the specification overcome some informalities noted in the specification on file. The undersigned avers that the newly amended sentence of the specification does not contain any new subject matter.

Claims 49-51 and 53-66 are rejected, under 35 U.S.C. § 103, as being unpatentable over Miller `691 (U.S. Patent No. 4,524,691) in view of Belec et al. `015 (U.S. Patent No. 5,447,015) and Button et al. `348 (U.S. Patent No. 6,199,348). The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

In rejecting claims 49-51 and 53-66 the Examiner states on page 3 of the official action that "MILLER discloses a method and apparatus for opening envelopes". On the contrary, Miller `691 specifically discloses "[a]n envelope feeder for a printing press... that allows multiple parallel feeding of stacks of differently sized and shaped envelopes to be fed into the press simultaneously" (ABSTRACT). The feeder is a mechanism that is configured as an attachment to a conventional printing press (col. 1, Ins. 50-53). Accordingly, it is respectfully submitted that Miller `691 relates simply to a means of feeding envelopes to a printer. After a careful and thorough study of Miller `691 the Applicant asserts that this reference does not in fact disclose a method and apparatus for opening envelopes as stated by the Examiner nor does Miller `691 in any way teach, suggest, disclose or remotely hint at providing any mechanism or means for

opening the envelopes or for handling or feeding envelopes in an opened position, as presently claimed.

Therefore, it is respectfully submitted that one skilled in the art, of automatically inserting objects into envelopes, would certainly not consider Miller '691 as a reference which is directed at solving the problem of handling envelopes in an initially closed state and opening them, during conveyance, to facilitate reliable insertion of an item(s) therein at high speeds and without large numbers of complicated moving components.

As taught in Miller '691 the envelope feeder merely feeds the (closed) envelopes 46a, 46b (Fig. 3) to be imprinted by way of the impression lever 67 (Fig. 1). The closed envelopes are taken from their respective stack 32a, 32b by means of suction cups 34, 35 (col. 2, Ins. 49-52) such that the lower edge of the envelope is bent forward and touches the rotating flywheel 36 (col. 2, Ins. 55-56). The envelopes are then grabbed by pincher action between the flywheel 36 and the feed roller 47 (col. 5, Ins. 56-59) and directed onto conveyer belts 54 which runs between lower and upper springlike rails 55 and 56 (col. 6, Ins. 17-24) from which they are imprinted.

There are many distinctions between the claimed device for inserting at least one item into an envelope and the teachings of Miller '691. Fundamentally, the reference relates to a distinct apparatus which is utilized for a completely different purpose. As such, Miller '691 fails to teach a number of distinctions, some of which have been recognized by the Examiner in the official action. These distinctions include Miller's '691 failure to teach the method steps of opening an envelope with an air stream, inserting items within an open envelope, nor does Miller '691 teach a control drum having a vacuum portion for moving the items to be inserted into the envelopes.

Furthermore, Miller '691 fails to teach the claimed steps of storing the envelope such that the closing flap of each individual envelope is in a folded closed position in which the

closing flap directly abuts the rear surface of the envelope, opening and maintaining a closing flap in an opened position, inserting at least one item into the envelope.

Belec et al. '015 is said by the Examiner to teach a method and apparatus for packing envelopes in which the envelopes are carried by a vacuum drum with frictional coatings and vacuum apertures. Further, it is alleged that Belec et al. '015 teaches that envelopes are pulled from the drum by an oscillating suction gripper and that the envelopes are filled at an envelope feeding station.

Belec et al. '015 relates to an insertion device which includes an inserting station. The insertion device includes a "vacuum drum 30 [which] is actually a series of individual segments of vacuum disks 32" (col 8, lns. 33-34) and a series of pulleys 34. A plurality of laterally spaced transport belts 60 move on the pulleys 34 about the periphery of the drum 30. The vacuum drum 30 is stationary such that the envelopes are transported by the belts 60 as the belts 30 travel about the pulleys 34.

It is noted that Belec et al. '015 teaches that the front panel 8 of the envelope 6 is faced downward on the belts 60 while the rear panel 7 of the envelope 6 is in an opened upward position (Fig. 12, col 5, lns 1-8). With the envelope 6 in the position just described the flap 3 of the envelope 6 is open such that the envelope opening is facing *upward* to receive a collation 9. Envelope flap retainers 25 are required to maintain the flap 3 in the flapped open condition so as to receive collation 9 (col. 6, lns 47-51). As currently claimed, the device of the application requires no such flap retainers, thus simplifying the construction and operation of the device. Furthermore, the Applicant contends that with regard to claims 49, 65 and 66 Belec et al. '015 fails to teach the claimed limitations of storing the envelopes such that the closing flap of each individual envelope is in a folded closed position in which the closing flap directly abuts the back surface of the envelope, is adjacent the control drum and faces a bottom of a storage bin.

Turning now to Button et al. '348 this reference relates to an envelope packing apparatus which includes a feeding assembly 22 (Fig. 3A) with flap opening means 28 having different rolls or conveyers (38; 40; 36). Furthermore, Button et al. '348 teaches that the envelopes 4 are stored in a configuration with the flap 8 folded over the envelope body 6. It is preferred that flap 8 faces and is adjacent the first envelope feeding conveyor 26 (col. 6, Ins. 36-46). As the envelopes 4 are processed they are arranged such that the flaps 8 face upward. This can best be seen in Fig. 4F which is described as being a top view of an envelope in the first staging area (col. 5, Ins. 1-2).

The Applicant contends that the claims of the application are distinct from the teachings of Button et al. '348 in that it fails to teach the claimed limitations of storing the envelopes such that the closing flap of each individual envelope is in a folded closed position in which the closing flap directly abuts the back surface of the envelope, is adjacent the control drum and faces a bottom of a storage bin.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, independent claim 49 of this application now recites the features of "storing the envelopes such that the closing flap of each individual envelope is in a folded closed position with the closing flap *directly abutting* a back surface of the envelope and adjacent the control drum". Independent claim 65 of this application now recites the features of "a storage bin (12, 52) for storing envelopes such that a closing flap of each envelope is folded over into a closed position in which an inner surface of the closing flap *directly faces* a rear surface of the envelope and an outer surface of the closing flap faces a bottom of the storage bin" and independent claim 66 further includes the feature that the "inner surface of the closing flap *directly faces and communicates* with a rear surface of the envelope". Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

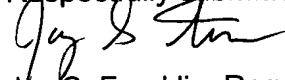
In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Miller '691, Belec et al. '015 and Button et al. '348 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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